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Peter



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Fillmore Field Office

95 E 500 N

Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>



IN REPLY REFER TO:
3600 (UTW02000)
UTU-79455_01

October 20, 2014

CERTIFIED MAIL # 7012 3460 0000 6633 2643
RETURN RECEIPT REQUESTED

DECISION

David D. Peterson
Agent, Delta Minerals
545 South Oak Drive
Woodland Hills, Utah 84753

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:
:

43 CFR 3600
Mineral Materials

RECEIVED

OCT 23 2014

DIV. OF OIL, GAS & MINING

Notice of Noncompliance – Contracts Expired and Reclamation Required

Your supplemental contract for your mineral materials exclusive sale, UTU-79455_01, expired on April 23, 2006. This Bureau of Land Management (BLM) mineral materials sale, one mile west of the closed Drum Mine in Millard County, Utah, is located in Township 15 South, Range 11 West; in the NE¼ of section 12; Salt Lake Meridian.

Contracts Expired – The original contract for the sale of 20,000 tons of crushed limestone from this location expired on July 17, 2003. Delta Minerals provided a performance bond to the BLM of \$11,000.00 on July 8, 2003. You then signed a subsequent contract for the purchase of 450 tons from the site on April 23, 2004. That contract expired on April 23, 2006.

Notice of Noncompliance – It has now been more than eight years since the most recent contract expired. There are numerous industrial items remaining at the site, including a very large steel silo. The large area of surface disturbance remains unreclaimed, including pits, quarries, waste rock piles, hillside excavations, and roads.

As specified by the Code of Federal Regulations (CFR) in 43 CFR §3601.52, after your contract or permit period expires, BLM will allow you up to 90 days, exclusive of periods of inclement weather, to remove the equipment, personal property, and any other improvements that you placed on the public lands. If you fail to remove equipment, personal property, or any other

improvement, it becomes the property of the United States. However, you remain liable for the cost of its removal and for the restoration of the site.

As required in 43 CFR §3602.21(b), if you fail to comply with the terms and conditions of your contract, you will forfeit all moneys that you paid. Your \$11,000.00 performance bond may therefore be forfeited if you do not complete the required reclamation tasks and remove all artifacts and industrial debris.

For these violations, you are hereby issued this Notice of Noncompliance (NON). The BLM may revoke this NON if you remove all property and industrial debris from the quarry location, perform the required earthwork to reshape and regrade the site, and reseed the surface disturbance areas to create a self-sustaining community of mature vegetative species at the location. Failure to perform reclamation, or to contact the BLM with an explanation of the reason for the delay, will lead to

Please respond within sixty (60) days. Please contact the BLM Fillmore Field Office (FFO) if you encounter difficulties with your response. The BLM will work with you to facilitate the completion of required reclamation in a timely manner.

Reclamation Required – You are responsible for reclamation of the existing surface disturbances. The surface disturbance area encompasses approximately 7 acres. If you wish to avoid bond forfeiture, then within 60 days of issuance of this decision, you must commence reclamation activity required by the BLM. Industrial artifacts, such as the steel silo, concrete blocks, steel plates, steel disembarkation stairs, and numerous other metallic and plastic objects, must be removed from the public lands. Surface disturbance areas such as access roads within the working location and the quarry area must be regraded to conform to the surrounding topography. Reshaped surfaces must be covered with a soil growth medium and the surfaces must be seeded with an appropriate seed mix. The seed mix will be provided by the BLM Fillmore Field Office upon request.

Unless you contact the BLM FFO to explain reasons for the continued delay, all initial reclamation of your previous surface disturbance activities, including required earthwork and reseeded, must be completed within 90 days of this decision or within 90 days of the initiation of activities after notification to the BLM of the reason for any delay. BLM resource specialists will continue to monitor your progress in meeting your reclamation obligations, including the success of the re-vegetation in the disturbed area. The BLM will inform you when all reclamation standards have been met and whether your obligations are complete.

If you are unable to initiate reclamation activities due to weather or other factors, contact the BLM Fillmore Field Office to explain the reason for the delay. The BLM will work with you to prepare a schedule so that you may complete reclamation to BLM standards and avoid forfeiture of the \$11,000.00 Financial Guarantee.

Appeal of the Decision - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR §3601.80, you may request that the BLM Utah State Director review this decision. If you request a State Director review, the request must be received in the BLM Utah State Office at:

Utah State Office
Bureau of Land Management
440 West 200 South, Suite 500
Salt Lake City, Utah 84101-1345

The request must be received no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to the FFO. The request must be in accordance with the provisions provided in 43 CFR §3600. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision regarding your request for review of this decision within 21 days of the BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when the BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the FFO at:

Fillmore Field Office
Bureau of Land Management
95 East 500 North
Fillmore, Utah 84631

Your notice of appeal must be filed within 30 days from the receipt of this decision. The appellant has the burden of proof showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with the FFO. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

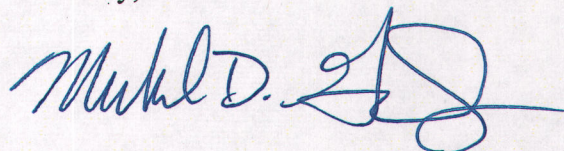
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied
2. The likelihood of the appellants success on the merits
3. The likelihood of immediate and irreparable harm in the stay is not granted
4. Whether the public interest favors granting the stay

If you have any questions or concerns please contact Duane Bays, Natural Resource Specialist, Fillmore Field Office, at (435) 743-3115.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael D. Gates", followed by a stylized flourish.

Michael D. Gates
Field Office Manager

Enclosures:

Form 1842-1
Photos

cc:

Utah State Office
Bureau of Land Management
440 West 200 South, Suite 500
Salt Lake City, Utah 84101-1345

Paul Baker
UDOGM
1594 W North Temple Ste 1210
Salt Lake City, UT 84114-5801

Delta Minerals, Inc. (DMI)
P.O. Box 897
Salem, Utah 84653

V10-7955-01

6/26/2009



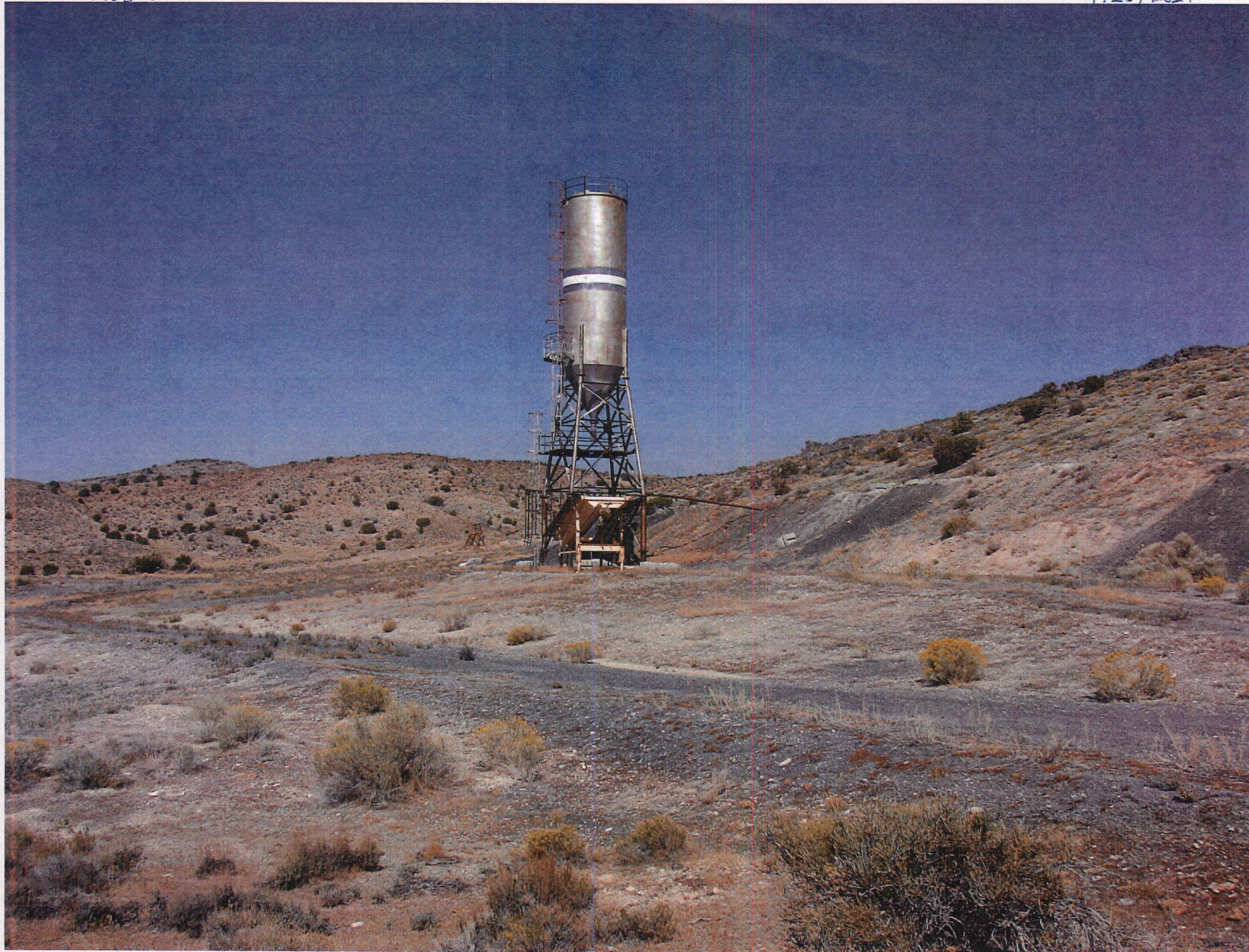
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6/26/2024



010-17455-02

7/26/2014





U10-17455-04

6/26/2024

